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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,106	04/08/2004	Marko Viitamaki	879A.0023.U1(US)	8992
29683	7590	12/27/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			NGUYEN, DAVID Q	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,106	VIITAMAKI ET AL.	
	Examiner	Art Unit	
	David Q. Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 29-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-8 and 29-37, drawn to an activity state of a radio frequency WLAN utilization in the terminal arranged to control the level of the WLAN power save mode, classified in class 455, subclass 426.2.

II. Claims 9-28, drawn to activity state of the user interface utilization in the second device arranged to control the level of the Bluetooth power save mode, classified in class 455, subclass 41.2.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as WLAN. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Harry Smith on 11/17/05 a provisional election was made with traverse to prosecute the invention of II, claims 9-28. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-8 and 29-37 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9,11-16,18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 2003/0036354 A1) in view of Zumudzinski et al. (US 2004/0128310 A1).

Regarding claims 9,16 and 23, Lee et al. discloses a device arrangement comprising a first device of a cellular network (see fig. 1, mobile unit 140), which device has a transmitter (see fig. 1), a receiver (see fig. 1) and a control unit (see fig. 1), as well as means for utilizing Bluetooth properties (see fig. 1, Bluetooth module 142), and a second device (see fig. 1, laptop 110 and par. 0024) having an user interface (laptop having user interface is well known in the art, see fig. 1 of Zumudzinski et al. (US 2004/0128310 A1)) and means for utilizing Bluetooth properties arranged to communicate with the first device by Bluetooth (see fig. 1). Lee et al. does not mention wherein the activity state of the user interface utilization in the second device is arranged to control the level of the Bluetooth power save mode wherein active user interface utilization is arranged to decrease said level of the power save mode and/or less active user interface utilization is arranged to increase said level of the power save mode. However, Zumudzinski et al discloses an activity state of the user interface utilization in the second device is arranged to control the level of the Bluetooth power save mode wherein active user interface utilization is arranged to decrease said level of the power save mode and/or less active user

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interface utilization is arranged to increase said level of the power save mode (see fig. 1 and pars. 0021 and 0025).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Zumudzinski et al to Lee et al. in order to control power saving properties of the wireless device.

Regarding claims 11,18, and 24, Lee et al. also discloses wherein said user interface is remote from the first device to the second device (see fig. 1).

Regarding claims 12,14, 19,21,25, and 27, Zumudzinski et al also discloses wherein said activity state of the user interface utilization is defined by the state of at least one of the following in the second device: the lock state of a lockable keypad, the lock state of a lockable touch sensitive display, the state of a screensaver, the lock state of a lockable screensaver and the state of a lid or an opening mechanism of the device (see par. 0021 and 0025); wherein said user input is received by one of the following acts on the second device: a touch on a key, keypad or touch sensitive display, opening or closing of a lid or an opening mechanism of the second device, or a specific sound input on the device's microphone or like.

Regarding claims 13,15, 20,22,26, and 28, Lee et al. also discloses wherein said activity state of the user interface utilization is defined by user input on the second device or lack of it for a chosen period of time (see par. 0025); wherein said activity state of the user interface utilization is defined by selection or starting of an application using Bluetooth in a menu or like in the second device (see par. 0028-0030)

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3. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 2003/0036354 A1) in view of Zumudzinski et al. (US 2004/0128310 A1) and further in view of Myhre et al. (US 2004/0203737 A1).

Regarding claims 10 and 17, the first device of Lee et al. in view of Zumudzinski et al does not comprise means for utilizing WLAN properties. However, Myhre et al. discloses a mobile device comprising means for utilizing WLAN properties (see fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Myhre et al. to Lee et al. in view of Zumudzinski et al in order to allow the mobile device to interact with wireless telephone, interact with WLAN and Bluetooth so that users can select wireless phone or WLAN or Bluetooth as they want.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Nguyen



ERIKA A. GARY
PRIMARY EXAMINER